

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

April 21, 2005

The Saugatuck Township Zoning Board of Appeals met on April 21, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Wester, Marczuk, alternate Harrison.

Absent: Chairperson, Oyler.

Also Present: alternate Powers and Zoning Administrator Al Ellingsen.

The meeting was called to order at 4:01 p.m. by acting chairperson Wester to hear a request from Jeff Klemm, 10963 Paw Paw Dr, Holland MI for variances from requirement of the Saugatuck Township Zoning Ordinance found in section 40-428(c) - Parking requirement for front & rear yards - Applicant wishes to have more than 20% parking in the front yard; Section 40-877-Buffer yard - Applicant wishes to construct a smaller buffer yard area on the side and front lot areas. Project located at 3219 Blue Star Highway, Saugatuck Michigan and is the construction of a proposed 2200 sq. ft. office building. Parcel is not compliant with current minimum lot width of 200 feet in the C-2 Zone. If granted the Planning Commission must review and approve the final site plan.

Board discussed alternates. Discussion was tabled for after public hearing, however it was decided Harrison would be the alternate, as he was the alternate for the previous hearing on this project. It was also decided to discuss the by-laws after the public hearing.

Public Hearing was opened at 4:03 p.m. by Chair, Wester. Wester read the public notice.

Applicant Jeff Klemm requested the variances be heard as one variance. Board determined it should be two variances as posted.

Harrison and Wester questioned why there was a hearing on the buffer as it had been denied at the last hearing. ZA Ellingsen stated the variance request had changed. He also stated he had consulted the Township Attorney on the issue. The last variance was for 12' on the side yard (15' required) and maintaining the planter boxes on the building. This variance is for a 6'5" variance or a 3'5" variance if the planter boxes are smaller.

Klemm addressed the board: In considering a reasonable request he stated the non-compliance was created by the Township; non-conforming should be conforming; there should be consideration regarding the project as opposed to the building that was there before; this building would improve the area and raise values; there is a landscaping plan; has considered elongating the building, however 2 smaller units are more marketable.

Audience: Mike Oonk, 6587 Bradley Road, whose property is adjacent to the project property, stated he is against granting a variance for the buffer.

Harrison stated the expansion is more than 50%. Klemm stated the previous building was in bad condition and the proposed new building was moved back to meet setbacks. He also discussed the parking requirements.

Marczuk who is also on the planning commission stated the commissioners did not have any major reservations on the project.

Wester asked ZA Ellingsen if variances are denied can Klemm come back if property is re-zoned. Ellingsen stated he did not think the Planning Commission would re-zone.

At this point the board decided to hear the buffer variance first.

Klemm stated several points:

- A - The fact property is non-confirming is extra-ordinary.
- B - To be a single unit would make it financially difficult to develop.
- C - Will not be a detriment but an improvement to the property, improving public health, safety and welfare. Will ask Township and KLSWA to increase the water main or sink a well if possible.
- D - There will be reoccurring requests to do other similar parcels; Non-conformance was created by the Township.

Wester commented Klemm presented very well.

Board felt as a developer this hardship was self-imposed, as the property was purchased before coming before the proper boards.

Marczuk asked Mike Oonk what it would take to please him. He stated to stay within the ordinance. Landscaping buffer is to protect the neighboring residential properties.

It was pointed out the Commercial Record project was granted 9 variances.

Board discussion:

- A - Can land be reasonably built or used in conformance with ordinance: Harrison and Wester - no, Marczuk - yes.
- B - Was the hardship self-imposed: All - yes, property was purchased 4 1/2 months ago.
- C - Do unique circumstances exist for this parcel: Wester and Marczuk - yes, Harrison - no.
- D - Would a variance alter the character of the neighborhood: All - no.

Motion by Harrison to deny the buffer zone variance and to require the applicant provide vegetation including shrubs, trees, plants and other vegetation within the 15 foot side yard buffer areas, and or maintain the existing vegetation within the 15 foot strip to screen the building and parking from adjacent neighbors. Motion seconded by Wester. Roll Call: Marczuk-no, Wester-yes, Harrison-yes. Variance denied 2-1.

Parking Variance:

Klemm stated they are asking for 20 % parking in the front rather than 33%, and 80% in the back rather than 66% and are providing a total of 12 spaces rather than 11.

After discussion the following motion was presented. Motion by Harrison to grant the parking variance, seconded by Marczuk. Roll Call: Wester-no, Marczuk-yes, Harrison-yes. Variance granted 2-1.

Motion by Wester to recommend the Township Board reimburse the \$350.00 fee for ZBA hearing held on March 24, 2005 to the applicant, Jeff Klemm, seconded by Harrison, carried unanimously.

Discussion regarding the by-laws. ZA Ellingsen has requested a copy of the by-laws from the Township Attorney. This issue was tabled for a future meeting.

Minutes of March 24, 2005. Harrison reviewed the resolution from the meeting regarding the Wolters project. Motion by Marczuk to approve the minutes of March 24, 2005 with the following additions: A list of all audiences speakers, all letters and aerial photos and documents be placed in the Wolters file, seconded by Wester, carried unanimously.

Meeting was adjourned at 6:50 P.M.

Tarue Pullen
Recording Secretary